



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt  
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Kathleen Clarke  
Executive Director  
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Division Director

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801-538-5340  
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February 1, 1999

CERTIFIED RETURN RECEIPT  
P 074 978 517

Mike Glasson, Environmental Coordinator  
Andalex Resources, Inc.  
6750 Airport Road  
P. O. Box 902  
Price, Utah 84501

Re: Proposed Assessment for State Violation No. N99-39-1-1, Andalex Resources, Inc.,  
Wildcat Loadout, ACT/007/033, Folder #5, Carbon County, Utah

Dear Mr. Glasson:

The undersigned has been appointed by the Division of Oil, Gas and Mining as the Assessment Officer for assessing penalties under R645-401.

Enclosed is the proposed civil penalty assessment for the above-referenced violation. The violation was issued by Division Inspector Stephen J. Demczak on January 20, 1999. Rule R645-401-600 et. seq. has been utilized to formulate the proposed penalty. By these rules, any written information which was submitted by you or your agent, within fifteen (15) days of receipt of the Notice of Violation, has been considered in determining the facts surrounding the violation and the amount of penalty.

Under R645-401-700, there are two informal appeal options available to you:

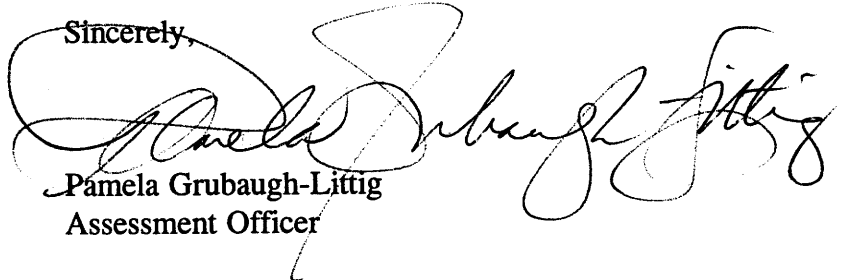
1. If you wish to informally appeal the fact of this violation, you should file a written request for an Informal Conference within 30 days of receipt of this letter. This conference will be conducted by the Division Director. This Informal Conference is distinct from the Assessment Conference regarding the proposed penalty.
2. If you wish to review the proposed penalty assessment, you should file a written request for an Assessment Conference within 30 days of receipt of this letter. If

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N99-39-1-1  
ACT/007/033  
February 1, 1999

you are also requesting a review of the fact of violation, as noted in paragraph 1, the Assessment Conference will be scheduled immediately following that review.

**If a timely request for review is not made, the fact of violation will stand, the proposed penalty(ies) will become final, and the penalty(ies) will be due and payable within thirty (30) days of the proposed assessment. Please remit payment to the Division, mail c/o Vicki Bailey.**

Sincerely,

A large, stylized handwritten signature in black ink, which appears to read 'Pamela Grubaugh-Littig'. The signature is written over the printed name and title.

Pamela Grubaugh-Littig  
Assessment Officer

tam  
Enclosure  
cc: James Fulton, OSM  
Vicki Bailey, DOGM  
O:\007033.WCL\ASSESMNT\9939-1-1.LTR

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address and ZIP Code in the space below.
- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE USE, \$300

RETURN  
TO

Print Sender's name, address, and ZIP Code in the space below

DIVISION OF OIL, GAS & MINING  
1594 W NO TEMPLE STE 1210  
SLC UT 84114

ATTEN: Tiffini Moss

DOGM 2/2/99 ACT/007/033 #5 ASSESSMENT N99-39-1-1

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge)

2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:  
MIKE GLASSON  
ANDALEX RESOURCES  
PO BOX 902  
PRICE UT 84501

4. Article Number  
P 074 978 517

Type of Service:  
☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

5. Signature - Address  
X

6. Signature - Agent  
X *Mike Glasson*

7. *M* of Delivery

8. Addressee's Address (ONLY if requested and fee paid)

Always obtain signature of addressee or agent and DATE DELIVERED.

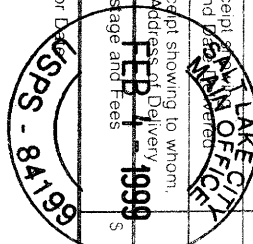
PS Form 3811, Mar. 1988 U.S.G.P.O. 1988-212-865 DOMESTIC RETURN

PS Form 3800, June 1985 TM DOGM 2/2/99 ACT/007/033 #5

Sent to	MIKE GLASSON
Street and No.	PO BOX 902
P.O., State and ZIP Code	PRICE UT 84501
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	
Postmark or Date	

ASSESSMENT  
N99-39-1-1

P 074 978 517  
RECEIPT FOR CERTIFIED MAIL  
NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL  
(See Reverse)



WORKSHEET FOR ASSESSMENT OF PENALTIES  
DIVISION OF OIL, GAS, & MINING

COMPANY/MINE Andalex Resources, Inc./ Wildcat Loadout NOV# N99-39-1-1

PERMIT ACT/007/033 VIOLATION 1 OF 1

ASSESSMENT DATE 01/29/99 ASSESSMENT OFFICER Pamela Grubaugh-Littig

I. HISTORY MAX 25 POINTS

- A. Are there previous violations, which are not pending or vacated, which fall within 1 year of today's date?

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS
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<u>N/A</u>		
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1 point for each past violation, up to one year  
5 points for each past violation in a CO, up to one year  
No pending notices shall be counted

TOTAL HISTORY POINTS 0

II. SERIOUSNESS (EITHER A OR B)

NOTE: For assignment of points in Parts II and III, the following apply:

- Based on facts supplied by the inspector, the Assessment Officer will determine within each category the violation falls.
- Beginning at the mid-point of the category, the Assessment Officer will adjust the point up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? (A) Event

A. EVENT VIOLATION MAX 45 POINTS

1. What is the event which the violated standard was designed to prevent?

Failure to receive DOGM approval prior to implementation of work inside the permit area.

2. What is the probability of the occurrence of the event which a violated standard was designed to prevent?

<u>PROBABILITY</u>	<u>RANGE</u>
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None	0
Unlikely	1-9
Likely	10-19
Occurred	20

**ASSIGN PROBABILITY OF OCCURRENCE POINTS 20**

**PROVIDE AN EXPLANATION OF POINTS:**

The permittee expanded a culvert by 200 feet without prior approval from the Division. The drainage map was updated but never submitted to the Division.

3. What is the extent of actual or potential damage? RANGE 0-25

In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

**ASSIGN DAMAGE POINTS 0**

**PROVIDE AN EXPLANATION OF POINTS:**

No damage occurred as a result of this expanded culvert installation.

**B. HINDRANCE VIOLATION MAX 25 POINTS**

1. Is this a potential or actual hindrance to enforcement?       
RANGE 0-25

Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

**ASSIGN HINDRANCE POINTS**

**PROVIDE AN EXPLANATION OF POINTS:**

**TOTAL SERIOUSNESS POINTS (A OR B) 20**

**III. NEGLIGENCE MAX 30 POINTS**

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO--NO NEGLIGENCE: or was this a failure of a permittee to prevent the occurrence of a violation due to indifference lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO--GREATER DEGREE OF FAULT THAN NEGLIGENCE.

No Negligence	0
Negligence	1-15
Greater Degree of Fault	16-30

STATE DEGREE OF NEGLIGENCE Negligence

**ASSIGN NEGLIGENCE POINTS 6**

**PROVIDE AN EXPLANATION OF POINTS:**

The permittee had intended to submit an amendment but the need to expand the coal pile was

urgent. The permittee did not call the Division to request an "emergency" approval either.

**IV. GOOD FAITH MAX 20 POINTS**

(Either A or B)

(Does not apply to violations requiring no abatement measures)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area?

IF SO--EASY ABATEMENT

Easy Abatement Situation

Immediate Compliance -11 to -20\*

(Immediately following the issuance of the NOV)

Rapid Compliance -1 to -10

(Permittee used diligence to abate the violation)

Normal Compliance 0

(Operator complied within the abatement period required)

(Operator complied with conditions and/or terms of approved Mining and Reclamation Plan)

\*Assign in upper or lower half of range depending on abatement occurring the 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance, or does the situation require the submission of plans prior to physical activity to achieve compliance?

IN SO--DIFFICULT ABATEMENT

Difficult Abatement Situation

Rapid Compliance -11 to -20\*

(Permittee used diligence to abate the violation)

Normal Compliance -1 to -10\*

(Operator complied within the abatement period required)

Extended Compliance 0

(Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard of the plan submitted for abatement was incomplete)

(Permittee complied with conditions and/or terms of approved Mining and Reclamation Plan)

EASY OR DIFFICULT ABATEMENT? \_

ASSIGN GOOD FAITH POINTS 0

**PROVIDE AN EXPLANATION OF POINTS:**

The permittee submitted the amendment on January 28, 1999, and the due date is February 1, 1999.

V. ASSESSMENT SUMMARY

NOTICE OF VIOLATION	<u>N99-39-1-1</u>
I. TOTAL HISTORY POINTS:	<u>0</u>
II. TOTAL SERIOUSNESS POINTS:	<u>20</u>
III. TOTAL NEGLIGENCE POINTS:	<u>6</u>
IV. TOTAL GOOD FAITH POINTS:	<u>-3</u>
TOTAL ASSESSED POINTS:	<u>23</u>
 TOTAL ASSESSED FINE:	 <u>\$260.00</u>

tam

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